



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 7868-99
19 September 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Naval Reserve filed enclosure (1) with this Board requesting, in effect, that his discharge be upgraded.

2. The Board, consisting of Ms. McCormick, Mr. McCulloch, and Mr. Pfeiffer, reviewed Petitioner's allegations of error and injustice on 19 September 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Naval Reserve on 27 August 1942 at the age of 19.

d. During Petitioner's period of service he was not the subject of any disciplinary infractions.

e. On 22 January 1945, after undergoing a psychiatric evaluation, Petitioner was diagnosed with a constitutional psychopathic state and an inadequate personality.

f. Subsequently, Petitioner was administratively processed for discharge by reason of physical disability due to the diagnosed inadequate personality. On 27 February 1945 Petitioner received a general discharge.

g. At the time of Petitioner's separation, character of service was often based on conduct and proficiency averages which were computed from marks assigned during periodic evaluations. Petitioner's final marks were 4.0 in conduct and 2.94 in proficiency. An average mark of 3.25 in conduct and 2.75 in proficiency were required at the time of his separation for a fully honorable characterization of service.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. The Board notes that Petitioner served without disciplinary infractions. The Board also notes the regulations in effect at the time of Petitioner's discharge which indicate that characterization of service should be based on conduct and proficiency averages. The Board notes that Petitioner's conduct and proficiency average marks of 4.0 and 2.94, respectively, were more than sufficient for a fully honorable characterization of service. Thus, the Board concludes that relief in the form of recharacterization of Petitioner's discharge is appropriate.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

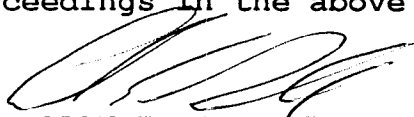
a. That Petitioner's naval record be corrected to show that he was honorably discharged on 27 February 1945 vice the general discharge actually issued on that date.

b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

c. That, upon request, the Veterans Administration be informed that Petitioner's application was received by the Board on 14 December 1999.


4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


For W. DEAN PFEIFFER
Executive Director